

REMARKS

In view of the following remarks, the Examiner is requested to withdraw the rejections and allow Claims 30-31 and 34-47, the only claims pending and under examination in this application.

Claims 30, 31, 46 and 47 were rejected under 35 U.S.C. § 103(a), as being obvious over U.S. Patent No 3,161,554 in view of JP 02034680.

The '554 patent teaches a pressure sensitive adhesive layer which has perforations, in other words it is a discontinuous adhesive layer. In Figure 5, the adhesive layer 28 is brought on a carrier paper 23. Subsequently, the adhesive layer is perforated by role 29 with pins 30. Finally, the adhesive layer is brought into contact with a fabric layer 33 which is an elastic fabric. Afterwards, the carrier layer 23 is removed and the fabric layer with the adhesive layer is remaining as one integral adhesive tape product.

It is noted that the adhesive layer during the production process is constantly connected to either the low adherence carrier paper 23 or the fabric layer 33.

The '554 patent does not describe the state of the material of the adhesive layer as being cross-linked. Actually, common general knowledge teaches that an adhesive layer by itself has the property of not yet being in a cross-linked state: the adhesive properties of an adhesive layer are based on the fact that the adhesive material is cross-linkable, and achieves an adhesive bonding after a final reaction to a cross linked state. In other words, the adhesive layer is meant to be cross-linked at a later stage, e.g. when it is used to adhere the tape of patent '554 to any chosen substrate.

Without any indications to the contrary, the perforated adhesive layer disclosed in the '554 patent thus cannot be interpreted to be in a cross-linked state. Without further specification in the '554 patent, the layer should be interpreted to be in a cross-linkable state.

In contrast to the disclosure of the '554 patent, the coating package according to claims 30 and 46 of the application, comprises a perforated covering layer which is in a cross-linked state. The perforated covering layer is applied on a carrier as defined in the claims. As explained in paragraphs 8 and 9 of the present application, the fact that the covering layer is in a cross-linked state, means that the carrier can be separated from the covering layer without the covering layer losing its integrity as an independent layer in itself. As such, the cross-linked state of the covering layer allows for applying the separated covering layer on a substrate during later use, without the risk of disintegrating.

Thus, the adhesive layer disclosed in the '554 patent is distinct from the covering layer as claimed in Claims 30, 31, 46 and 47 since the adhesive layer disclosed in the '554 patent is not cross linked. Accordingly, the '554 patent fails to disclose the claimed cross-linked element of Claims 30, 31, 46 and 47.

The cross linked state of the covering layer according to claims 30 and 46 is an explicit and essential property of the invention claimed in Claims 30, 31, 46 and 47. The crucial difference with a cross-linkable and not yet cross-linked layer, is that only in a cross linked state, the layer has a secured integrity and is not reactive anymore. Thus, the covering layer according to the invention is functionally and chemically different from the adhesive layer of the '554 patent.

Furthermore, Claims 30, 31, 46 and 47 are not obvious in view of the '554 patent in combination with JP02034680 for the following reasons. First, there is no teaching or suggestion in the cited references to provide a carrier with a cross-linked covering layer thereupon. In fact, since the layer is disclosed as being adhesive in the '554 patent, one of ordinary skill in the art would read this disclosure as teaching an uncross-linked state since the cross-linkable (but not cross-linked) aspect of the layer provides for its adhesiveness. The cited Japanese application JP02034680, does not teach a cross-linked layer, but in contrast mentions explicitly the pressure sensitive adhesive to be in a cross-linkable state. As already explained above, a

cross-linkable adhesive is functionally and chemically distinct from a covering layer that is in a cross-linked state..

Accordingly, the combined teaching of U.S. Patent No 3,161,554 in view of JP 02034680 fails to teach or suggest the claimed element of a cross-linked covering layer having perforations. In fact, one of ordinary skill in the art would read the combined teaching of these references as teaching away from the claimed cross-linked covering layer, since the references are focused on a perforated layer which is cross-linkable (but not cross-linked). because such a state provides for the desired adhesive qualities. Accordingly, Claims 30, 31, 46 and 47 are not obvious under 35 U.S.C. § 103(a), over U.S. Patent No 3,161,554 in view of JP 02034680 and this rejection may be withdrawn.

CONCLUSION

Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone Bret Field at (650) 327-3400.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078.

Respectfully submitted,
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